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March 8, 2022

BY ECF

Honorable Loretta A. Preska
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Suhail Laureano v. City of New York, et ano.
17 CV 181 (LAP)

Your Honor:

This Office represents defendants City of New York and Luis Linares in the above-referenced action. Defendants write to respectfully move for reconsideration of the Court's March 8, 2022 Order, denying defendants request for an adjournment of the trial that was recently rescheduled from April 4, 2022 until April 7, 2022.

In the parties' Joint Pretrial Order, trial in this matter was estimated to last only four days. See Civil Docket Sheet Entry 66. On December 10, 2021, following a request by plaintiffs' counsel which was made with defendants' consent, Your Honor issued an order rescheduling trial for April 4, 2022. See Civil Docket Sheet Entry 135. The December 10th Order indicated that April 4, 2022 was the "confirmed trial date" and did not advise the parties that they were any trials ahead of this case for the same date or that the parties were to be ready on 24 hours' notice. Id.

However, on March 3, 2022, Your Honor issued another order rescheduling the trial by three days, or until April 7, 2022 and further ordered that the "parties shall be ready to proceed on 24 hours' notice on or after April 7, 2022." See Civil Docket Sheet Entry 136. Not only did this order push the trial date, this was the very first mention of the parties being required to proceed on 24 hours' notice. The very next day, defendants, aware that Linares would not be available for the duration of the trial because he would be out of the country with his family on vacation beginning on April 8, 2022, promptly notified the Court of this conflict in an application that was made with plaintiffs' consent. See Civil Docket Sheet Entry 137. Such a conflict did not previously exist with the *firm* April 4, 2022 trial date as set forth in the Court's December 2021 order and because the parties were not previously informed that they were on 24

hours' notice. Once the scheduling conflict came to light, defendants immediately contacted plaintiffs' counsel, advised them of same, and submitted a letter to Your Honor.

Accordingly, and in light of defendant Linares' schedule, the parties respectfully request an adjournment of the April 7, 2022 trial date, which also requires the parties to proceed on 24 hours' notice. Thank you for your consideration herein.

Respectfully submitted,

/s

Carolyn K. Depoian
Senior Counsel

cc: All counsel (by ECF)

Because of the Court's COVID protocols, individual judges do not have control over trial dates. Due to the availability of jurors, the trial date was moved from April 4, 2022 to April 7, 2022. Also, depending on other scheduled trials, the actual trial date might change slightly; thus, the parties should be ready on 24-hour notice.

Although the Court is sympathetic to a family vacation, this long-delayed trial should proceed. Accordingly, the request for yet another adjournment [dkt. no. 139] is denied.

SO ORDERED.

Dated: March 9, 2022
New York, New York



LORETTA A. PRESKA
Senior United States District Judge